

Notice of Allowability

Application No.

10/716,412

Examiner

Sang Nguyen

Applicant(s)

MOTOTSU, KAZUNORI

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amended on 08/27/07 interview on 08/30/07.
2. ☒ The allowed claim(s) is/are 1-11, 13, 15-25, 27, and 29-30 which have been renumbered as indicate 1-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

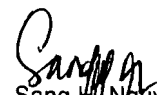
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/30/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Maki Hatsumi (Reg. No. 40,417) on August 30, 2007.

The application has been amended as follows:

- a. **Claims 12, 14, 26, and 31-46 have been canceled.**
- b. Please, **amend claim 15** as the following amendment on 08/27/07:

15. (Twice Amended) A partition member provided in a detector for detecting a signal from a sample, the partition member comprising:

a base having a through-hole through which the sample is allowed to pass; and
a projecting portion which projects from the base around the through-hole;

wherein the base is integral with the projecting portion, and the base and the projecting portion are composed of a resin, and wherein the projecting portion has a ring shape, and includes a tapered interior wall which has an inner diameter progressively decreasing toward a proximal edge thereof away from a distal edge thereof.

The following is an examiner's statement of reasons for allowance:

Claims 1-11, 13, 15-25, 27, 29-30 are allowed.

As to independent claim 1 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a measuring unit to be removably connected to a blood sample analyzer comprising all the specific elements with the specific combination including of a first and second electrodes provided in the first and second channels, respectively, a partition member having a through-hole through which a blood cell contained in the blood sample is allowed to pass from the first channel to the second channel, wherein the partition member comprises a base having the through-hole and a projecting portion which projects from the base around the through-hole, and wherein the base is integral with the projecting portion, and the base and the projecting portion are composed of a resin in combination with the rest of the limitation of claim 1. The dependence claims 2-11 and 13 are allowed by virtue of their dependence on independence claim 1.

As to independent claim 15 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a partition member provide in a detector for detecting a signal from a sample comprising all the specific elements with the specific combination including the of the base is integral with the projecting portion, and the base and the projecting portion are composed of a resin, wherein the projecting portion has a ring shape, and includes a tapered interior wall which has an inner diameter progressively decreasing toward a proximal edge thereof away from a distal edge thereof in combination with the rest of

the limitation of claim 15. The dependence claims 16-25, 27, and 29-30 are allowed by virtue of their dependence on independence claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifu Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 31, 2007


Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886